

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

 Complete if Known

 Application Number
 10/803,569

 Filing Date
 March 17, 2004

 First Named Inventor
 Seamans, Scott

 Art Unit
 3728

 Examiner Name
 Jila M. Mohandesi

 Attorney Docket Number
 040130-050011US

(use as many sheets as necessary)

Sheet

U.S. PATENT DOCUMENTS+ Document Number Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear Publication Date MM-DD-YYYY Name of Patentee or Examiner Cite No. Applicant of Cited Document Number Kind Code² (if known) AA US-1,392,350 10-4-21 O'Brien 11-21-39 Dunbar AB US-2,180,924 7-18-78 Dassler US-4,100,685 AC 10-11-83 Seidel et al. US-4,408,401 AD US-4,987,750 11-6-90 Chemiak AE 12-26-89 Solow AF US-4,888,887 8-8-95 Stein US-5,438,767 AG 6-25-96 Pozzobon US-5,528,841 AH 10-8-96 Gill US-5,561,919 AI US-D381,794 8-5-97 Gelli AI 11-23-99 Lamstein AK US-D416,667 10-3-00 Birkenstock US-D431,346 AL US-6,237,250 5-29-01 Aquerre АМ 7-8-03 Schenone US-D476,797 AN 11-4-03 Hsin et al. US-5,540,464 AO US-6.860.035 3-1-05 Girard ΔP 11-1949 Wood US-D155,956 AQ 4-1996 Brooks et al. US-D368,797 AR 7-2000 Plamondon US-D428,239 AS 9-2003 Tzenos US-D479,034 AT US-D492,095 6-2004 Sanchez et al. ΑU 6-2004 Sanchez et al. AV US-D492,096 7-2004 Magro AW US-D492,841 8-2004 Chen US-D493,611 AX AY US-D66,083 11-1924 Johnson ΑZ US-D247,136 2-1978 Mizoguchi BA US-D251,158 2-1979 Edmonds 2-1995 **Ductos** BB US-D355,526 12-2002 Chen BC US-D467,065 8-2004 Werman US-D494,345 BD

			F	OREIGN PA	TENT DOCUME	ENTS		
Examiner Initials*		Foreign	Patent Docum	nent		Name of Patentee or	Pages, Columns, Lines,	
	Cite No.1	Country Code ³	Number ⁴	Kind Code [®] (if Intawn)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T ⁶
	BE	EP-0 802 039 A2			10-22-97	Finnmject S.P.A.		
	BF	EP-0 802 040 A2			10-22-97	Finproject - S.P.A.	oli cut	
	BG	EP-0 802.044 AZ			10-22-97	Finoroject - S.P.A.	100	ø 🗆 ,
	ВН	EP-0 884 005 A1			12-16-98	Fin project - S.P.A.	105 1 671	20/
Examine Signature	1 .	7	A	_	Date Considered	01-05-		

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Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

Substitute for	or form 1449A&B/P	то		Complete if Known			
				Application Number	10/803,569		
			CLOSURE	Filing Date	March 17, 2004		
STAT	EMENT B	Y A	PPLICANT	First Named Inventor	Seamans, Scott		
				Art Unit	3728		
(u	se as many she	ets as	necessary)	Examiner Name	Jila M. Mohandesi		
Sheet	2	of	3	Attorney Docket Number	040130-050011US		

			F	OREIGN PA	TENT DOCUME	ENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document				Name of Patentee or	Pages, Columns, Lines, Where Relevant	
		Country Code ³	Number ⁴	Kind Code ³ (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T ⁶
- ()	BI	GB 2,322,286			8-26-98	Quillot ·		
-0/2	BJ	CA 2,375,957			9-13-02	Pan et al.		
	ВК							
	BL	1						

Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²		
1	вм	RHODA MIEL, Snowshoe Walks Away with Best Design, Plastics News, April 22, 2002, v. 14, n. 8, p. 4 (2 pages).			
	BN	LUISA ZARGANI, One Fine Year; Anton Magnani's Quirky Dry-Shod Designs bare Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garcons, Footwear News August 2, 1999. i. 102 (2 pages).			
	во	RinProject Brews an Extralight (Evasol Plastics and Finproject Signed's joint fenture agreement to introduce a range of New-block and net-fit soles for shoes), Footwear News, North Neek, Rogust 4, 1997, v. 53, n. 21, p. 8 (3 pages).			
	BP	CIND MACDONALD. The Entrepreneurs: they're bilingual multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies. Ganadian Plastics, O'99, v. 57/10), p. 35-50 (9 pages).			
	BQ	The Elastomers Items: Engage Adds comfort to Sporting Components, Chemical Business New Base: The Elastomers Times. December 1, 2000 (2 pages).	7		
	BR	Comfortable Walking, Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page).	_		
	BS	Injected Eva, Macplas International, August 1999, n. 10, p. 90 (abstract, 1 page).			
	ВТ	Walking on Modified Eva, Italian Technology, May 1949, n. 2, p. 121, (abstract, 1 page).			
BU Trademark Name Record, Official Gazette of the US Patents and Trademarks Office, March 24, 1998, 1 73, (abstract, 1 page).					
	BV	Engage® polyolefin elastomers, the critical ingredient for success, DuPont Dow Elastomers, Copyright® 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).			
	ВW	Waldenstore.com. Pootwear Waldies, August 4, 2003, http://www.waldenstore.com/waldies.html, (1 page).			

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Substitute for form 1449A&B/PTO Complete if Known 10/803,569 Application Number INFORMATION DISCLOSURE Filing Date March 17, 2004 STATEMENT BY APPLICANT First Named Inventor Seamans, Scott 3728 Art Unit (use as many sheets as necessary) Jila M. Mohandesi Examiner Name Attorney Docket Number 040130-050011US 3 Sheet

		NON PATENT LITERATURE DOCUMENTS	1
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Т
	вх	Birkenstock®, Spring & Summer 2003 Catalog, Birkenstock Orthopudie GmbH, Germany (82 pages).	
	BY	Plaintiff's Statement of Claim, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, January 28, 2005, Ridout & Maybee LLP (8 pages).	
•	BZ	Defendant's Statement of Defence, FOAM CREATION INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No161-05, March 10, 2005, Oyen Wiggs Green & Mutala LLP (9 pages).	
	CA	Defendant's Response to Request for Particulars, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, April 22, 2005, Oyen Wiggs Green & Mutala LLP (including Appendices A-C, 238 pages).	
	СВ	Plaintiff's Request for Particulars of Defence, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05 May 1, 2005, Ridout Y Maybee (5 pages).	
	СС	Plaintiff's Further Request for Particulars, FOAM CREATIONS INC, vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, May 12, 2005, Ridout & Maybee (including Schedule A, 6 pages).	
	CD	Plaintiff's Reply, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05, Ridout & Maybee (7 pages).	
	·CE	http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.hum (3 pages).	
	CF	COMPLAINT, Holey Soles Holdings Ltd v. Foam Creations, Inc. and CROCS, Inc. (05CV6893 (MBM)(AJP) S.D.N.Y. filed Aug. 2, 2005).	

Examiner	Date	
Signature	Considered	

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$\overline{}$	AA	US-1,392,350	10-4-21	O'Brien	
$\overline{}$	AB	US-2,180,924	11-21-39	Dunbar	
-	AC	US-4,100,685	7-18-78	Dassler	
	AD	US-4,408,401	10-11-83	Seidel et al.	
	AB	US-4,967,750	11-6-90	Cherniak	
	AF	US-4,888,887	12-26-89	Solow	,
	AG	US-5,438,767	8-8-95	Stein	7
	AH	US-5,528,841	6-25-96	Pozzobon	19.0
	Al	US-5,561,919	10-8-96	Gill	1 4 2
•	AJ	US-D381,794	8-5-97	Gelli	1,000
	AK	US-D416,667	11-23-99	Lamstein /	-5 - 0
	AL	US-D431,346	10-3-00	Birkenstock	9 . 7
	AM	US-6,237,250	5-29-01	Адиенте	4.3 2
	AN	US-D476,797	7-8-03	Schenone	720
	AO	US-5,540,464	11-4-03	Hsin et al.	N N
	AP	US-6,860,035	3-1-85	Girard	0
	AQ	US-D155,956	11-1949	Wood	
	AR	US-D368,797	4-1996	Brooks et al.	
	AS	US-D428,239	7-2008	Plamondon	
	AT	US-D479,034	8-2003	Tzenos	
	ΑU	US-D492,095	6-2004	Sansbez et al.	
	AV	US-D492,096	6-2004	Sanchez et al.	
	AW	US-D492,841	7-2004	Magro	
	AX	US-D493,611	8-2004	Chen	
	AY	US-D66,083	11-1924	Johnson	
	AZ	US-D247-136	2-1978	Mizoguchi	
	BA	US-0251,158	2-1979	Edmonds	
	BB _	US-D355,526	2-1995	Duclos	
	80	US-D467,065	12-2002	Chen	
	BD	US D494 345	8-2004	Werman	
1	BE	US-2001/0001350	5-24-01	Aguerre	
	BF	US-5,736,167	4-7-98	Chang	
	BG	US-3,698,107	10-17-72	Tatsuo	
<u>.0.</u>	Вн	US-6,439,536	8-27-02	Piccolo	

Examiner Signature	Date Considered	01 - 05 - 8
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Initials* No.	No.¹	Country Code ³	Number ⁴	Kind Code ^s (if known)	MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T°
	Bi	EP-0 802 039 A2			10-22-97	Finproject - S.P.A.		
	BJ	EP-0 802 040 A2			10-22-97	Finproject - S.P.A.		
	ВК	EP-0 802 041 A2			10-22-97	Finproject - S.P.A.	inflicte	
	BL	EP-0 884 005 A1			12-16-98	Fin project - S.P.A.	lugar	
	ВМ	GB 2,322,286			8-26-98	Quillot		
	ВИ	CA 2,375,957			9-13-02	Pan et al.		
&-	ВО	European Search Report	PCT/US20040	15132				
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	вх	Walking on Modified Eva, Italian Technology, May 1999, n. 2, p. 21, (abstract, 1 page).				
	BY	Trademark Name Record, Official Gazette of the US Patents and Trademarks Office, March 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page).				
	BZ	Engage® polyolefin elastomers, the critical ingredient for success, DuPont Dow Elastomers, Copyright@ 2000, DuPont Dow Elastomers, www.dupont-dow.com/endage (12 pages).				
	BAA	Waldenstore.com, Footwear Waldies, August 4, 2003, http://www.waldenstore.com/waldies.html, (1 page).				
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Signature	Ju- MM	Considered	0110370

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